

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

OTIS HILLIARD

*Plaintiff*

§

CIVIL ACTION NO.

vs.

§

4:10-CV-02388

TYSON FOODS, INC.

*Defendant*

§

JURY

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PLAINTIFF'S AMENDED DESIGNATION OF EXPERT WITNESSES

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NOW COMES, Plaintiff, OTIS HILLIARD, and pursuant to the Order of this Court and/or the Federal Rules of Civil Procedure, hereby amends his designation of experts as follows:

I.

RETAINED EXPERTS

Plaintiff's retained expert witnesses:

1. Jeffrey W. Hautanen, P.E., C.F.E.I.  
3423 Rivers Edge Trail  
Kingwood, Texas 77339  
(281) 359-2476

Jeffrey W. Hautanen is Plaintiff's retained liability expert who will be called to testify regarding the manner in which Plaintiff was electrocuted, Defendant's fault in causing or contributing to cause Plaintiff's injury, applicable industry standards, and Defendant's violation of those standards. A current copy of Mr. Hautanen's C.V. is attached, along with a list of all other cases in which, during the previous four years, Mr. Hautanen has testified as an expert at trial or by deposition, and a statement of the compensation to be paid for the study and testimony in the case. Mr. Hautanen has reviewed the following documents in the present matter:

- (a) A copy of Plaintiff's Original Petition.
- (b) The deposition of Otis Hilliard with exhibits.
- (c) The deposition of Enrique Tamez, Plaintiff's supervisor, with exhibits.
- (d) The deposition of Kenneth Jones, Plaintiff's co-worker and witness to the accident.
- (e) The deposition of Daryl Terry, Tyson plant superintendent.
- (f) The deposition of Joe R. Cepeda, Tyson's safety manager.
- (g) Tyson's Response to Interrogatories and Request for Production.

- (h) Information from Bluffington Motor Works, the manufacturer of the electrical motor that caused Plaintiff's electrocution.
- (i) Plaintiff's Fourth Interrogatories and Third Request for Production to Defendant

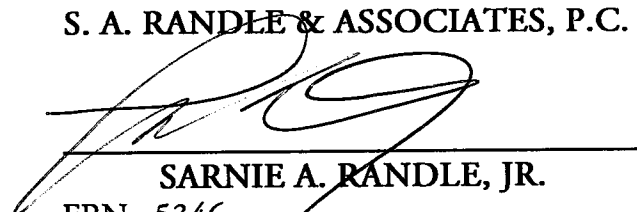
2. Ken Kirksey, M.S., C.R.C., O.W.C.P.  
Kirksey Rehabilitation, Inc.  
8612 Castle Creek Ct.  
Fort Worth, Texas 76182  
(817) 656-5571

Mr. Kirksey is Plaintiff's retained expert who will provide expert testimony regarding his opinions of Plaintiff's employability with the impairments that were caused by his electrocution injury. Mr. Kirksey's C.V. is attached, along with a list of all other cases in which, during previous four years, Mr. Kirksey has testified as an expert at trial or by deposition, and a statement of the compensation to be paid for the study and testimony in the case. Mr. Kirksey has reviewed the following documents in the present matter:

- (a) Plaintiff's Original Petition.
- (b) Deposition of Otis Hilliard.
- (c) Medical records of Randolph Evans, M.D. (Neurologist)
- (d) Medical records of Jeffrey D. Reuben, M.D. (Orthopedic Surgeon)
- (e) Neuropsychological Report, Shawanda Anderson, Ph. D.
- (f) Report of Franciso Perez, Ph.D.
- (g) W-2's and tax returns from Tyson Foods, Inc.
- (h) Videotaped deposition of Otis Hilliard

RESPECTFULLY SUBMITTED,

S. A. RANDLE & ASSOCIATES, P.C.



SARNIE A. RANDLE, JR.

FBN: 5346  
SBN: 16525500  
Chase Bank Building  
5177 Richmond Avenue, Suite 635  
Houston, Texas 77056  
(713) 626-8600  
(713) 626-8601 [fax]  
ATTORNEY FOR PLAINTIFF,  
OTIS HILLIARD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was forwarded to all attorneys of record via facsimile, certified mail, and/or hand delivery this 7<sup>th</sup> day December, 2011.

  
SARNIE A. RANDLE, JR.

Zach T. Mayer  
Kane Russell Coleman & Logan, P.C.  
1601 Elm St., Suite 3700  
Dallas, TX 75201  
(214) 777-4200  
(214) 777-4299[fax]  
ATTORNEY FOR DEFENDANT, TYSON FOODS, INC.

**KENNETH C. KIRKSEY**

P.O. Box 821291  
Fort Worth, Texas 76182-1291  
817-656-5571  
kenkirksey@sbcglobal.net

**WORK EXPERIENCE**

**KIRKSEY REHABILITATION, INC.:** Rehabilitation Counselor in private practice, Fort Worth, Texas, 1992 - present.

Providing vocational rehabilitation and disability management services to injured workers for the U.S. Department of Labor, Social Security Administration's Project NetWork, and to those covered under state and federal workers' compensation, Longshore and Harbor Workers' Compensation Act, and long-term disability insurance. Also providing vocational expert witness services.

**INTRACORP,** Dallas, Texas, 1986 - 1992.  
Position: Rehabilitation Supervisor

Supervision of local and out-of-state rehabilitation specialists on state workers' compensation, non-appropriated funds (Longshore Act), and long-term disability cases. Conducted training of local and out-of-state specialists on Longshore vocational procedures.

Position: Senior Rehabilitation Specialist

Coordinated vocational rehabilitation and medical services for disabled clients. Activities included evaluation/assessment, physician consultations, employer contacts, job analysis, job goal identification, disability counseling, vocational counseling, job seeking skills training, and job placement. Provided medical care coordination and vocational services for recipients of workers' compensation and long-term disability. Served as a vocational expert witness and performed employability assessments for court testimony. Gave presentations to various professional groups on the vocational rehabilitation process. Served as consultant for Back Wercs Rehabilitation Center in Fort Worth, Texas.

**GOODWILL INDUSTRIES, INC.**  
**EXTENDED REHABILITATION SERVICES,** Fort Worth, Texas, 1985 - 1986.  
Position: Operations Manager

Managed training and subcontracting operations for 20 severely disabled adults in sheltered employment. Activities included disability counseling, behavioral programming, parent/client consultations, evaluations, staffings, progress reports, design and construction of work station adaptive devices, task analysis, time studies, subcontract bid proposals, and production scheduling.

**EXPANCO, INC.**  
**EXTENDED REHABILITATION SERVICES,** Fort Worth, Texas, 1978 - 1986.  
Position: Operations Manager

Same duties as with Goodwill Industries, except there were 100 disabled workers.

**Ken Kirksey, M.S., C.R.C., O.W.C.P.**

**Kirksey Rehabilitation, Inc.**

8612 Castle Creek Ct.  
Fort Worth, TX 76182-1413  
Bus: (817) 656-5571  
Fax: (817) 656-5571

**Mailing Address:**

P.O. Box 821291  
Fort Worth, TX 76182-1291  
E-mail: [kenkirksey@sbcglobal.net](mailto:kenkirksey@sbcglobal.net)

**\* Profile:**

- \* Vocational/Employability Assessments Nationwide
- \* Wage Earning Capacity
- \* Transferable Skills Analysis
- \* Labor Market Surveys
- \* Job Analysis, Job Modification, Job Placement
- \* 35 years experience in Vocational Rehabilitation of all disabilities
- \* 21 years experience as a Vocational Expert in personal injury cases, Longshore & Harbor Workers' Compensation Act, Jones Act, OCS Act, Non-Appropriated Funds Instrumentalities Act, Defense Base Act, state workers' compensation, ADA, wrongful termination, medical malpractice, and LTD.
- \* Numerous depositions and trial testimonies as a Vocational Expert for Defense and Plaintiff
- \* Certified Rehabilitation Counselor
- \* U.S. Dept. of Labor Certified Rehabilitation Counselor (OWCP)
- \* Senior Disability Analyst & Diplomate, American Board of Disability Analysts

**Education/Licenses:**

Bachelor of Science- Biology, Master of Science- Psychology, Certified Rehabilitation Counselor, U.S. Dept. of Labor Certified Rehabilitation Counselor

**Primary Area of Expertise: Vocational Rehabilitation**

**FORT WORTH STATE SCHOOL, 1977 - 1978.**

**Position: Unit Psychologist**

Devised and implemented behavioral programming for mentally retarded residents of the Panhandle Unit. Included testing, parent consultations, conducting staffings, and coordination of activities of interdisciplinary team.

**TARRANT COUNTY EASTER SEALS SOCIETY, Fort Worth, Texas, 1974 - 1976.**

**Position: Work Adjustment Supervisor**

Coordinated vocational assessment/evaluation of 30 clients with severe physical and mental impairments to determine vocational and behavioral goals. Maintained progress reports and supervised work activity center. Conducted vocational counseling with clients and families.

**EDUCATION / CERTIFICATIONS**

**Master of Science Degree**

**Major: Psychology**

**East Texas State University, 1977**

**Bachelor of Science Degree**

**Major: Biology**

**Lamar University, 1968**

**Certified Rehabilitation Counselor – October, 1988 - present. (C.R.C. No. 21825, Customer I.D. No. 5821)**

**Certified Rehabilitation Counselor, U.S. Department of Labor, Office of Workers' Compensation Programs – April, 1991 - present. (O.W.C.P. No. 16102)**

**Senior Disability Analyst and Diplomat, American Board of Disability Analysts – August 1997 - present.**

**Career Counseling Service Certificate of Authority, Texas Department of Licensing and Regulation – February 1995 - present. (Cert. No. CCOUNS00000099)**

**Volunteer Counselor, 1977 – The Listening Ear (Crisis Intervention Center), East Texas State University**

**MILITARY**

**Texas Army National Guard, 49th Armored Division, 1974-1976, First Lieutenant, Honorable Discharge.**

**United States Army, 25th Infantry Division, 1968-1972, First Lieutenant, Honorable Discharge.**

## PUBLICATIONS AND PRESENTATIONS

"Vocational Rehabilitation Counselors: Qualifications, Employment, Tools and Procedures." Guest lecturer March 29, 2007, University of North Texas Dallas Campus, Rehabilitation Studies Undergraduate Program, Course No. REHAB 4700, *Employment Services*, Valerie Armstrong, M.A., Instructor.

"Case Management in Private and Federal Rehabilitation." Guest lecturer April 15, 2005, University of North Texas Dallas Campus, Rehabilitation Counseling Undergraduate Program, Course No. RC 4008, *Rehabilitation Seminar*, Francine Michel, Ph.D., Instructor.

"Labor Market Surveys: Getting Employers to Talk." Presented at TARPPS Spring State Conference, Dallas, Texas, June 2004

*Approaches to Estimating Lost Earnings – Strategies for the Rehabilitation Consultant*, 2002, Elliott & Fitzpatrick, Inc. Listed contributor.

*Job Hunting Tips For Your Clients* – Series of articles in TARPPS News 5/21/00, 8/26/00, 6/24/01, 9/30/01.

*Minnesota Rate of Manipulation Test: Effects of Locus of Control and Expectancy Feedback on Performance*. Unpublished Master's Thesis, East Texas State University, August 1977.

## MEMBERSHIPS

National Rehabilitation Association, 1987 - present.

National Rehabilitation Counseling Association, 1987 - present.

National Rehabilitation Association of Job Placement and Development, 1992 - present.

National Association of Service Providers in Private Rehabilitation, 1992 - present.

North Texas Area Rehabilitation Association, 1987 - present.

International Association of Rehabilitation Professionals (IARP), 1991 - present.

Texas Association of Rehabilitation Professionals & Providers of Services (TARPPS), 1991 - present.

Forensic Expert Witness Association, Dallas Chapter, 2008 - present.

Board of Directors, TARPPS, 1998 - 2002.

Legislative Co-Chair, Texas Rehabilitation Licensure Task Force, 1995 - 1997.

Community Advisory Committee, HealthSouth Sports Medicine and Rehabilitation Center, Fort Worth, Texas, 1992 - 1994.

Psi Chi Honorary Psychological Society, inducted 1977.

## REFERENCES

Available upon request.

November 15, 2011

The following is a list of trials and depositions that I have testified in as an expert witness:

1. Thomas Bohn vs. Fireman's Fund Insurance Co. – Trial 1988, Fort Worth, TX (additional information not available).
2. Bonnie Chadwick vs. National Convenience Stores – Deposition 1989 (additional information not available).
3. Fred Werth vs. (unknown) – Trial 1989, Austin, TX (additional information not available).
4. Honeycutt vs. Summers Electric – Trial 1990, Federal Court, Marshall, TX (additional information not available).
5. Arthur Newhouse vs. National Union Fire Insurance Co. – Cause No. 92-2390-L, 193rd Judicial District Court, Dallas County, TX, Deposition 12/1/92.
6. Charles Redmon vs. Central Freight Lines – Cause No. 92-0317, 15th Judicial District Court, Grayson County, TX, Deposition 2/18/93.
7. Stella Wilson vs. Liberty Mutual Fire Insurance Co. – Cause No. 92-3555-L, 193rd Judicial District Court, Dallas County, Deposition 3/31/93.
8. Frieda Wills vs. AAFES – Cause No. 92-LHC-1701, 5th Circuit Court of Appeals, Office of Administrative Law Judges, Trial 4/8/93, Dallas, TX.
9. Bettye Gauthreaux vs. Baylor University Medical Center – Cause No. 3:92CV2258-H, Trial 10/13/94, Dallas, TX (additional information not available).
10. Terry Wayne Smith vs. Albertson's – Cause No. 4-93-CV-807Y, District Court, Northern District of Texas, Fort Worth Division, Deposition 12/12/94.
11. Larry Hoppe vs. AAFES - 5th Circuit Court of Appeals, Office of Administrative Law Judges, Trial 1/5/95, St. Louis, MO (additional information not available).
12. Jerry Askue vs. AAFES – Cause No. 93-LHC-2671 – 5th Circuit Court of Appeals, Office of Administrative Law Judges, Deposition 8/10/94.
13. Jerry Askue vs. AAFES – Cause No. 93-LHC-2671 – 5th Circuit Court of Appeals, Office of Administrative Law Judges, Trial 3/28/95, Houston, TX.
14. Ross LaDart vs. AAFES - 5th Circuit Court of Appeals, Office of Administrative Law Judges, Trial 7/5/95, Dallas, TX (additional information not available)



15. Roy Sikes vs. AAFES – Cause No. 94-LHC-2103, 5th Circuit Court of Appeals, Office of Administrative Law Judges, Trial 7/12/95, Oklahoma City, OK.
16. George Meserole vs. Central Freight Lines – Cause No. 94-09016, 192nd Judicial District Court, Dallas County, TX, Deposition 8/4/95.
17. Stephen Danise vs. Leasing Services, Inc. – Cause No. 94-10523, 345th Judicial District Court, Travis County, Deposition 5/31/96.
18. Stephen Danise vs. Leasing Services, Inc. – Cause No. 94-10523, 345th Judicial District Court, Travis County, Trial 6/10/96, Austin, TX.
19. Joseph McGovern vs AAFES – Cause No. 95-LHC-1765 – 4th Circuit Court of Appeals, Office of Administrative Law Judges, Trial 8/5/96, San Antonio, TX.
20. Melba Jean Biczko vs. AAFES – Cause No. 96-LHC-2114 – 5th Circuit Court of Appeals, Office of Administrative Law Judges, Trial 10/7/97, Corpus Christi, TX.
21. Brian Fisher vs. Paul Pogue, Inc. & Taylor S. Enterprises - Cause No. 98-0466, 336th District Court, Grayson County, TX, Deposition 10/26/00.
22. Jess Reed vs. Kaiser Foundation Health Plan & Lake Granbury Medical Center - Cause No. 141-178122-99, 141st District Court, Tarrant County, TX, Deposition 1/24/01.
23. Duane C. Simmons vs. Quality Oilfield Services and Eldon Eugene Marshall - Cause No. 99-11609, 271st District Court, Wise County, TX, Deposition 3/23/01.
24. Duane C. Simmons vs. Quality Oilfield Services and Eldon Eugene Marshall - Cause No. 99-11609, 271st District Court, Wise County, TX, Trial 4/5/01, Decatur, TX.
25. Billy Wayne Nelson vs. Decibel Products - Cause No. 99-4186-D, 95th District Court, Dallas County, TX, Deposition 6/28/01.
26. Willie Showers vs. Walter Marburger & Arrow Trucking Co. - Cause No. CC-01-03102-C, County Court At Law No. 3, Dallas County, Texas, Deposition 3/8/02.
27. Willie Showers vs. Walter Marburger & Arrow Trucking Co. - Cause No. CC-01-03102-C, County Court At Law No. 3, Dallas County, Texas, Trial 4/11/02, Dallas, TX.
28. Priscilla Cates vs. Matthew Scott Creamer & The Hertz Corp. - Cause No. 7-00CV-121-R, U.S. District Court, Northern District of Texas, Wichita Falls Division, Deposition 4/26/02.
29. Elizabeth Kirkby vs. Lattimore Materials Co. & Grady M. Prince - Cause No. 401-1218-01, 401st District Court, Collin County, Texas, Deposition 5/7/02.

30. Daryll Faulk vs. Tim Hall, Inc. & Mitchell Energy Corp. - Cause No. 00-09-505, 271st District Court, Wise County, Texas, Deposition 5/24/02.
31. Kenneth Neal Hackney vs. Craig Robinson & Pollock Paper Corp. - Cause No. 352-189083-01, 352nd District, Tarrant County, Texas, Deposition 9/26/02.
32. Arnold Jistel vs. Trinity Materials, Inc. - Docket No. Cent 2002-150-DM SC MD 02-05, U.S. Dept. of Labor, Federal Mine Safety and Health Review Commission, Dallas, TX, Trial 10/1/02.
33. Priscilla Cates vs. Matthew Scott Creamer & The Hertz Corp. - Cause No. 7-00CV-121-R, U.S. District Court, Northern District of Texas, Wichita Falls Division, Trial 2/4/03, Wichita Falls, TX.
34. Charles Mann vs. General Motors, Inc., State Electric Co. & Morrison Knudsen - Cause No. 348-185542-00, 348th District Court, Tarrant County, Texas, Deposition 5/27/03.
35. Paul Land vs. Sebastian & Associates, Inc. - Cause No. 01-10993, 68th District Court, Dallas County, Texas, Deposition 9/10/03.
36. Mike Baugh, et al. vs. Albertson's, Inc., et al. - Cause No. 2002-1539-3, 47th District Court, McLennan County, Texas, Deposition 9/30/03.
37. Thomas Titus vs. Better Inlets Plus - Cause No. 01-04401-E, 101st District Court, Dallas County, Texas, Deposition 11/4/03.
38. Billy Earl Johnson vs. Fikes Truck Line, Inc., et al. - Cause No. 502CV090, U. S. District Court for the Eastern District of Texas, Texarkana Division, Trial 11/19/03.
39. Terry Simpson vs. John Heslink, Jr. - Cause No. 02-01142G, 134th District Court, Dallas County, Texas, Trial 1/27/03.
40. Ola Stephens vs. AAFES - Cause No. 2003-LHC-2243, 5th Circuit Court of Appeals, Office of Administrative Law Judges, Trial 2/9/04, Houston, TX.
41. Virginia Dolch vs. Burlington Northern Santa Fe Railway Company - Cause No. 67 192524 02, 67th District Court, Tarrant County, Texas, Deposition 3/2/04.
42. Patrick Robinson vs. City and County of Denton & Kansas City Southern - Cause No. 2003-60130-393, 211<sup>th</sup> District Court, Denton County, Texas, Deposition 9/24/04.
43. David Diamond vs. Taiyo Kikai, Ltd. - Cause No. 03-242, 134<sup>th</sup> District Court, Dallas County, Texas, Deposition 10/11/04.

44. Patrick Robinson vs. City and County of Denton & Kansas City Southern – Cause No. 2003-60130-393, 211<sup>th</sup> District Court, Denton County, Texas, Trial 10/22/04, Denton, TX.
45. Maria Elorza vs. State Fair Foods – Cause No. 03-27376-F, 116<sup>th</sup> District Court, Dallas County, Texas, Deposition 10/26/04.
46. Samuel Curtis vs. G. Dirk Sigtenhorst, M.D. & O.J. Chastain, M.D. – Cause No. 2002-81-B, 188<sup>th</sup> District Court, Gregg County, Texas, Deposition 10/27/04.
47. Samuel Curtis vs. G. Dirk Sigtenhorst, M.D. & O.J. Chastain, M.D. – Cause No. 2002-81-B, 188<sup>th</sup> District Court, Gregg County, Texas, Trial 12/2/04, Longview, TX.
48. Kenneth Hinson vs. Stevens Transport – Cause No. 03-065606, 160<sup>th</sup> District Court, Dallas County, Texas, Deposition 12/28/04.
49. Walter Cook vs. APAC-Texas – Cause No. 60386, 86<sup>th</sup> District Court, Kaufman County, Texas, Deposition 4/22/05.
50. Jimmy Coyle vs. Pedro Francisco Delgadillo, M.D. – Cause No. 2003-49662, 190<sup>th</sup> District Court, Harris County, Texas, Deposition 7/18/05.
51. Kathy Gani vs. Performance Food Group Co. – Cause No. 551-04, 115<sup>th</sup> District Court, Upshur County, Texas, Trial 8/18/05, Gilmer, TX.
52. Kenneth Hinson vs. Stevens Transport – Cause No. 03-065606, 160<sup>th</sup> District Court, Dallas County, Texas, Arbitration testimony 10/26/05.
53. Charles Hall vs. James H. Dieffenwierth, II d/b/a TCL, James H. Dieffenwierth, III d/b/a TCL and Robert Dale Moore – Cause No. 236-197542-03, 236<sup>th</sup> District Court, Tarrant County, Texas, Deposition 5/23/06.
54. Troy A Zacharias vs. Scott & White Memorial Hospital, Scott & White Clinic and Matthew Porter, M.D. – Cause No. 2005-2861-4, 170<sup>th</sup> District Court, McLennan County, Texas, Deposition 6/5/06.
55. Robert McCasland vs. Senior Care Services, Inc., et al. – Cause No. 04-02710-K, 192<sup>nd</sup> District Court, Dallas County, Texas, Deposition 7/17/06.
56. Luis Fernandez vs. Texas Instruments, Inc. & Chart Industries, Inc. – Cause No. 04-10272-L, 193<sup>rd</sup> District Court, Dallas County, Texas, Deposition 8/3/06.
57. Charles Hall vs. James H. Dieffenwierth, II d/b/a TCL, James H. Dieffenwierth, III d/b/a TCL and Robert Dale Moore – Cause No. 236-197542-03, 236<sup>th</sup> District Court, Tarrant County, Texas, Trial 10/3/06, Fort Worth, TX.

58. Kimberly Smith vs. Baylor Health Enterprises d/b/a Medco Construction – Cause No. 00-00-09534CV, 13<sup>th</sup> District Court, Navarro County, Texas. Deposition 10/18/06.
59. Robert McCasland vs. Senior Care Services, Inc., et al. – Cause No. 04-02710-K, 192<sup>nd</sup> District Court, Dallas County, Texas, Trial 1/22/07, Dallas, TX.
60. Mary Ann Shanklin vs. Brant-Stra, Inc. d/b/a Delta Supermarket – Cause No. 10020, 62<sup>nd</sup> District Court, Delta County, Texas. Deposition 1/24/07.
61. Paschal Harless Hardcastle vs. Gary Don Barrow & Modern Transport Services – Cause No. 200500446, 413<sup>th</sup> District Court, Johnson County, Texas. Deposition 3/5/07.
62. John Williams vs. Clayton J. Hendrix, Mike Byrd Casing Crews, et al. – Cause No. 0645.23086, 271<sup>st</sup> District Court, Wise County, Texas. Deposition 4/6/07.
63. Mary Ann Shanklin vs. Brant-Stra, Inc. d/b/a Delta Supermarket – Cause No. 10020, 62<sup>nd</sup> District Court, Delta County, Texas. Trial 5/2/07, Commerce, TX.
64. Corey Robinson vs. Green Star, Inc., d/b/a Silver City Cabaret – Cause No. 05-11896, 134<sup>th</sup> District Court, Dallas County, Texas. Deposition 9/20/07.
65. Randall Britt vs. Daniel Bolin, M.D., Individually, and d/b/a Grace Medical Clinic – Cause No. 165831A, 30<sup>th</sup> District Court, Wichita County, Texas. Deposition 11/28/07.
66. Humberto Huerta vs. USA Construction, Inc., & Marcie's Masonry, Inc. – Cause No. 05-00333-C, 68<sup>th</sup> District Court, Dallas County, Texas. Deposition 11/29/07.
67. Edgar R. Lee & Theresa Lee vs. Brent T. Alford, M.D. and Brain & Spine Institute of Fort Worth – Cause No. 06-09096, 68<sup>th</sup> District Court, Dallas County, Texas. Deposition 1/11/08.
68. Michella and William Young vs. Steven Lynn Anderson, and Elite Towing, Inc. – Cause No. 06-11902, J-191<sup>st</sup> District Court, Dallas County, Texas. Deposition 6/24/08.
69. Tammy Willis vs. Robert Viere, M.D., North Texas Spine Care, Dallas Anesthesiology Associates, et al. – Cause No. 06-04577, 193<sup>rd</sup> District Court, Dallas County, Texas. Deposition 6/30/08.
70. Michella and William Young vs. Steven Lynn Anderson, and Elite Towing, Inc. – Cause No. 06-11902, J-191<sup>st</sup> District Court, Dallas County, Texas. Trial 7/17/08, Dallas, TX.
71. Corey Robinson vs. Green Star, Inc., d/b/a Silver City Cabaret – Cause No. 05-11896, 134<sup>th</sup> District Court, Dallas County, Texas. Trial 6/11/09, Dallas, TX.
72. Tommie Dale Sicard vs. Cardmoore Trucking & Calvin Andrew Turner – Cause No. 3:09-cv-1714, U.S. District Court for the Northern District of Texas, Dallas Division. Trial 8/5/11, Dallas, TX.

Submitted by:

*Ken Kirksey*

Ken Kirksey, M.S., C.R.C., O.W.C.P.  
Rehabilitation Counselor

4893-01  
Jinan

# INVOICE

**TO: S. A. Randle & Associates**  
**ATTN: Sarnie A. Randle, Jr., Attorney**  
 5177 Richmond Ave., Ste. 635  
 Houston, TX 77056

## PAYABLE TO

Name: **Ken Kirksey,**  
**Rehabilitation Counselor, Inc.**  
 Federal Tax ID: 75-2797361  
 Address: P.O. Box 821291  
 Fort Worth, TX 76182-1291

## CASE

Name: **Otis J. Hilliard vs. Tyson Foods, Inc.**  
 Your File No.: unknown  
 Cause No.: 4:10-CV-2388  
 Address: 10142 Valley Club, Houston, TX 77078

Invoice Date: November 11, 2011

Invoice No.: 1755  
 Page 1 of 1

## SERVICES

## EXPENSES

| Date     | Activity                                | Professional | Testimony | Travel | Mileage       | Other   |
|----------|---|--------------|-----------|--------|---------------|---------|
| 10/12/11 | File review                             | 2.10         |           |        |               |         |
| 10/13/11 | File review                             | 2.70         |           |        |               |         |
| 10/14/11 | File review                             | 3.00         |           |        |               |         |
| 10/21/11 | Vocational research (DOT, restrictions) | 6.20         |           |        |               |         |
| 10/26/11 | Vocational research (Pre-Post TSA's)    | 1.80         |           |        | (outside fee) | \$60.00 |
| 10/27/11 | Vocational research (results)           | 1.00         |           |        |               |         |
| 10/27/11 | Phone Atty. Randle                      | 0.30         |           |        |               | \$5.13  |

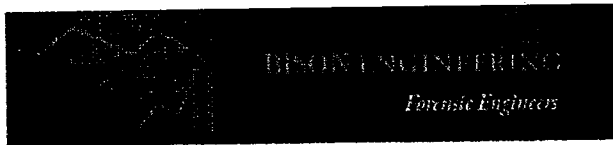
|                  |            |          |         |               |                   |
|------------------|------------|----------|---------|---------------|-------------------|
| TOTAL UNITS      | 17.10      | 0.00     | 0.00    | 0             |                   |
| UNIT CHARGE      | \$200.00   | \$400.00 | \$50.00 | \$0.50        |                   |
| SUB-TOTALS       | \$3,420.00 | \$0.00   | \$0.00  | \$0.00        | \$65.13           |
|                  |            |          |         | <b>TOTAL</b>  | \$3,485.13        |
|                  |            |          |         | Minus Advance | -\$1,000.00       |
| <b>TOTAL DUE</b> |            |          |         |               | <b>\$2,485.13</b> |

Payment due upon receipt. Thank you.

Signature: *Ken Kirksey*

Date: 11/11/11

Copy



3423 Rivers Edge Trail  
Kingwood, Texas 77339  
Tel 281 359-2476  
Fax 281 359-2591  
[www.bisonengineering.com](http://www.bisonengineering.com)

**JEFFREY W. HAUTANEN, P.E., C.F.E.I.**  
**Consulting Engineer**  
**Electrical, Instrumentation**

**Professional Summary**

Licensed Professional Engineer (Electrical Engineering)  
Bachelor of Science Degree in Biomedical Engineering  
Certified Fire and Explosion Investigator (N.A.F.I.)

**Primary Areas of Consultation**

Failure analysis of electronic and electrical systems, specializing in instrumentation and controls; evaluations of power distribution system failures; electrical contacts and electrocutions; investigations and analyses of LP gas transportation and storage controls, petrochemical process controls and instrumentation; electrical fire causation analyses.

**Professional Experience**

Present      Bison Engineering, Inc.  
Kingwood, Texas  
*Consulting Engineer*

Responsible for failure evaluations of electrical and electronic systems involving power distribution, controls and instrumentation, and low-voltage residential/ commercial systems; analyses of electrical contact cases; investigations concerning consumer products failures; evaluations of medical devices and electronic instrumentation; analyses of automotive system and component failures. Performed investigations of large-scale multi-faceted incidents involving gas compressor stations and petrochemical facilities.

---

1994-1996      Peak Engineering, Inc.  
Kingwood, Texas  
*Consulting Engineer*

(Same as outlined above)

1990-1994      CH&A CORPORATION  
Kingwood, Texas  
*Consulting Engineer*

Performed forensic analyses of mechanical and electrical systems concerning equipment failures in the industrial and consumer products environments. Analyses of motor vehicle component failures, electronics failures, and electro-mechanical device failures. Fire and explosion related investigations. Combustible gas and detonable materials testing. Injury causation analyses (biomechanical) and low speed impact analyses.

1987-1989      TEXAS A&M UNIVERSITY  
College Station, Texas  
*Research Assistant*

Responsibilities included operating hyperbaric oxygen chambers in a research and medical environment. Assisted in research such as hyperbaric oxygen effects on bone healing, skin grafting, and the disruption of the blood brain barrier with exposure to hyperbaric oxygen. Performed numerous small animal surgeries, which included the use of such medical devices as the Bovie spark gap coagulator, laser Doppler, and various respiratory pumps.

#### **Education**

1989              Bachelor of Science in Biomedical Engineering  
Texas A&M University  
College Station, Texas

#### **Engineering Registration**

Licensed Professional Engineer (by examination)  
Texas No.: 88354  
Louisiana No.: 30054  
Massachusetts No.: 45043  
Alabama No.: 28489-E  
Arkansas No.: 12904  
Oklahoma No.: 25098



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### **Additional Training**

National Fire, Arson, & Explosion Investigation Training Program  
National Association of Fire Investigators  
Central Texas Fire Investigators  
Principles of Electrical Fires  
Georgia Institute of Technology  
Power Distribution System Grounding and Transients  
NFPA (National Fire Protection Association)  
NEC (National Electric Code) workshop (40 hrs.)  
University of Houston  
Electrical Engineering PE Review  
University of Houston  
Fundamentals of Engineering Review  
SAE Professional Engineering Development  
Fundamentals of Sensor Design for Automotive Air-bag Systems  
SAE TOPTEC (Low Speed Rear Impact Collisions)  
Occupant Kinematics / Cervical Injuries  
Texas A&M University (TEEX)  
Vehicular accident reconstruction course (80 hrs.)  
HAZMAT(Hazardous Materials) Emergency Response  
Complies with CFR 1910.120 (40 hrs.) (8 Hr.)

### **Lectures and Accredited Courses**

Reconstruction Technology: High and Low Speed Impacts  
Registered with the Texas Department of Insurance  
Course No.: 27075CA010  
Low Impact Collisions & Bodily Injury Claims  
Registered with the Texas Department of Insurance  
Course No.: 17652CA010  
Incident Investigation  
ENRON Corporation  
Electrical Failures & Fires  
Natural Gas Claims and Litigation Association

### **Specialty Topics**

Testing of vehicle and occupant response during low speed rear impact vehicular collisions. Acceleration and velocity profile analysis. Test systems for the detection and monitoring of gas flow/ migration and exposure.

Design and fabrication of Sudden Infant Death Syndrome (SIDS) monitoring system; EKG (electrocardiogram) and plethysmograph design; various electromechanical designs involving the rehabilitation of the handicapped

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**Professional Memberships**

National Association of Fire Investigators  
National Society of Professional Engineers  
Texas Society of Professional Engineers  
IEEE (Institute of Electrical and Electronic Engineers)  
EMBS (Engineering in Medicine and Biology Society)  
NFPA (National Fire Protection Association)

July 28, 2011

**Expert Testimony of  
Jeffrey W. Hautanen**

| <u>File Number</u> | <u>Type</u> | <u>Date</u> | <u>Style</u>  | <u>Court</u>   | <u>Attorney</u>                | <u>Firm</u>  |
|--------------------|-------------|-------------|---|--|--------------------------------|--|
| 859602             | Deposition  | 9/5/1996    | Wahab v. Clancy   | 193rd Judicial District Court of Dallas County, Texas        | Roy L. Stacy, Veronica Willard | Calhoun & Stacy                                    |
| 639602             | Deposition  | 9/24/1996   | Mackey v. Sears, Roebuck & Co.                                  | 215 Judicial District Court of Harris County, Texas          | W. Scott Goleman               | Mayes & Haas                                       |
| 189602             | Deposition  | 10/4/1996   | Swiger v. Cleveland Mack Sales, Mack Truck, and Bostrom Seating | 172 Judicial District Court of Jefferson County, Texas       | Jon Burnmeister                | Moore Landrey, Garth, Jones, Hulett, & Burnmeister |
| 1499602            | Deposition  | 1/1/1997    | Sharon Wilson v. Tina Anderson                                  | County Civil Court at Law Number Three, Harris County, Texas | Yim M. Szeto                   | Doug Garwood & Associates                          |
| 1269602            | Trial       | 3/19/1997   | Mary Jane Lowrey v. David Kerr                                  | 11th Judicial District Court of Harris County, Texas         | Larry Knapp                    | Law Offices of Ed Wallison                         |
| 349701             | Deposition  | 4/9/1997    | Chaney v. Merritt Davis Corporation                             | Circuit Court of Morgan County, Alabama                      | M. Clay Ragsdale               | Law Offices of M. Clay Ragsdale                    |
| 1109702            | Trial       | 6/10/1997   | Marvin L. Brown v. Tong Tran                                    | 127th Judicial District Court of Harris County, Texas        | Lance K. Thomas                | Hays, McConn, Rice & Pickering                     |
| 2849702            | Deposition  | 11/10/1997  | Larry Armstrong vs Casa Ford of Houston, Inc., et al            | Cause No.: 96-41538  | Richard J. Tholdstrup          | Richard J. Tholdstrup                              |
| 1309703            | Trial       | 12/16/1997  | Sang Hoon Kim v. Toul H Nguyen                                  | Harris County, Texas   | Kristen White                  | Kilpatrick & White                                 |
| 2979702            | Deposition  | 5/21/1998   | Martinez v. Watson  | No.: 96-CV1171   | Vincent Glocksien              | Lueders & Boanerges                                |
| 3309702            | Deposition  | 8/19/1998   | Gapultos v. General Motors                                      | No.: 96-57757  | Lynn Grisham                   | Waltman & Grisham                                  |
| 2769702            | Deposition  | 10/6/1998   | Cherry v. Laine   | Beaumont, Texas  | Fred Coogan                    | Bernsen, Jamail, & Goodson                         |
| 179702             | Trial       | 5/27/1998   | Stewart v. Swant  | Osage County, Oklahoma                                       | Dan S. Folluo                  | Secret, Hill & Folluo                              |
| 1309802            | Deposition  | 3/18/1999   | Yaney v. Dietz  | San Antonio, Texas   | Melvin A. Krenek               | Melvin Krenek & Assoc.                             |
| 1919802            | Trial       | 6/3/1999    | Breedlove v. Skyline  | Harris County, Texas   | Jay Benton Matte               | Doug Garwood & Associates                          |
| 99802              | Deposition  | 1/1/01      | Hance v. USAA   | Harris County, Texas   | Bart Basden                    | Johason & Fairless                                 |
| 99802              | Trial       | 4/25/2001   | Hance v. USAA   | Harris County, Texas   | Bart Basden                    | Johason & Fairless                                 |
| 380002             | Trial       | 5/6/2001    | Hastings v. StateFarm   | Tyler, Texas   | Paul Boyd                      | Law office of Paul Boyd                            |
| 779802             | Deposition  | 10/24/2001  | Shores v. Ford  | Birmingham, Alabama  | D. Dirk Thomas                 | Yearout, Myers & Traylor, P.C.                     |
| 140102             | Deposition  | 7/9/2001    | Warres Bouttes v. G.M.  | New Orleans, LA  | Gerald Calagero                | Alan Berger & Associates                           |
| 1350102            | Deposition  | 4/9/2002    | Harris County v. Reliant  | Harris County, Texas   | Joel Montgomery                | Baker Botts, L.L.P.                                |
| 1350102            | Trial       | 4/9/2002    | Harris County v. Reliant  | Harris County, Texas   | Joel Montgomery                | Baker Botts, L.L.P.                                |
| 1050102            | Deposition  | 9/6/2002    | Gonzales v. Reliant   | Hidalgo County, Texas  | John Anaiapakos                | Baker Botts, L.L.P.                                |
| 340102             | Deposition  | 9/13/2002   | Davison v. HL&P   | Harris County, Texas   | Mike Massengale                | Baker Botts, L.L.P.                                |
| 340102             | Trial       | 9/25/2002   | Davison v. HL&P   | Harris County, Texas   | Mike Massengale                | Baker Botts, L.L.P.                                |
| 610002             | Deposition  | 12/18/2002  | Balthazar v. UPS  | Harris County, Texas   | Doug Gosda                     | Manning Gosda & Arrendondo                         |
| 370002             | Deposition  | 2/6/2003    | Gillum v. Peck  | Collin County, Texas   | Randall Walters                | Touchstone Bernays                                 |
|                    | Deposition  |             | IESI  | Dallas   |                                |  |
|                    | Deposition  | 9/12/2003   | Daniels v. Houston Power  | Harris County, Texas   | Scott Tessmer                  | Guerra & Moore                                     |
|                    | Deposition  | 10/29/2003  | Gomez   | Hidalgo County   | Mike Moore                     | Guerra & Moore                                     |
|                    | Trial       | 11/5/2003   | Gomez   | Hidalgo County   | Mike Moore                     | Yearout & Traylor                                  |
|                    | Deposition  | 4/13/2004   | Whitsell v. Waupauca  |  | Trey Traylor                   |  |

**Expert Testimony of  
Jeffrey W. Hautanen**

|         |                          |                       |                              |                             |                             |  |
|---------|--------------------------|-----------------------|------------------------------|-----------------------------|-----------------------------|--|
| 44202   | Deposition<br>Deposition | 5/25/2004<br>9/8/2004 | Maricle<br>Minter v. Ford    | Houston County, Texas       | Larry Stewart<br>Brad Leger | Houssiere, Durant & Houssiere                |
| 650502  | Deposition               | 1/26/2006             | Frausto v. Montgomery        | Potter County               | J Darren Brown              | Sprouse Shrader Smith, P.C.                  |
| 1280402 | Deposition               |                       | Hernandez v. Perez           | Hidalgo County, Texas       | Carlos Guerra               | Guerra & Moore                               |
| 1050102 | Deposition               | 3/1/2006              | Gonzales v. Reliant          | Harris County, Texas        | John Anapolakos             | Baker Botts, L.L.P.                          |
| 0390202 | Deposition               | 8/9/2006              | ANR v. Holloman Construct    | St. Mary Parish, Louisiana  | Kenneth Klemm               | Baker Donaldson                              |
| 0390202 | Trial                    | 9/14/2006             | ANR v. Holloman Construct    | St. Mary Parish, Louisiana  | Kenneth Klemm               | Baker Donaldson                              |
|         | Deposition               | 9/28/2006             | Templeton v. Equipment De    | Travis County, Texas        | Corey Sukter                | Cooper & Scully                              |
| 0050602 | Deposition               |                       | Polo Fuels                   | Harris County, Texas        | Loren Smith                 | Kelly, Smith, & Murrah                       |
| 1280402 | Trial                    | 4/18/2007             | Hernandez v. Perez           | Hidalgo County, Texas       | Carlos Guerra               | Guerra & Moore                               |
| 0650702 | Deposition               | 10/8/2007             | Hightower v. Colonial Grand  | Birmingham, Alabama         | Carter Clay                 | Pittman, Dutton, Kirby & Hellums, P.C.       |
| 1160702 | Deposition               | 1/11/2008             | Russell v. Insurance Exchar  | Harris County, Texas        | Jamie Cooper                | Martin, Dislere, Jefferson & Wisdom          |
| 0430802 | Deposition               | 1/29/2009             | Moorer v. Chateau Oaks       | Mobile Alabama              | Richard Taylor              | Taylor Martino, P.C.                         |
| 0430802 | Deposition               | 2/4/2009              | Moorer v. Chateau Oaks       | Mobile Alabama              | Richard Taylor              | Taylor Martino, P.C.                         |
| 0880702 | Arbitration              | 3/13/2009             | South Grande v. Loyds        | Harris County, Texas        | Bruce Rogers                | Brown, Dean, Wiseman, Proctor, Hart & Howell |
| 0870302 | Deposition               | 3/25/2009             | Ivey v. CenterPoint Energy   | Brazoria County, Texas      | Tim Shelby                  | Baker Botts, L.L.P.                          |
| 1030401 | Deposition               |                       | Hill v. Johns Hopkins        | Howard Co. Maryland         | Tony Breschi                | Waranch & Brown, L.L.C.                      |
| 1180602 | Deposition               | 7/2/2009              | Harrison Int v.              |                             | Jesus Garcia                | Locke, Lidel & Sapp                          |
| 0520703 | Deposition               | 9/22/2009             | Petrie v. Quicksilver        | Harris County, Texas        | David Brothers              | Brothers Sepulveda                           |
| 0520703 | Deposition               | 9/25/2009             | Petrie v. Quicksilver        | Harris County, Texas        | David Brothers              | Brothers Sepulveda                           |
|         | Deposition               | 2/10/2010             | Walser v. L.P. Bottle Expres | Salisaw, OK                 | Mike Newman                 | Jones Jackson & Moll                         |
| 0161002 | Deposition               | 4/14/2010             | Hartsfield v. Exide          | San Antonio, Texas          | David Miller                | Miller, Bicklein & Tysinger                  |
| 1250902 | Deposition               | 12/6/2010             | Bailey v. East Texas Lift    | Tru McClellan County, Texas | Steve Moody                 | Law Office of Steve Moody                    |
| 1090602 | Deposition               | 12/15/2010            | Hardy v. ADM Grain           | Harris County, Texas        | George LeGrand              | Mouledoux, Bland, Legrand & Bracket          |
| 0830802 | Deposition               | 7/29/2011             | SAMCO v. New TK Coating      | Harris County, Texas        | Amy Wright                  | Law Office of Kramer & Hurdle                |

**BISON ENGINEERING***Forensic Engineers*

www.bisonengineering.com

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PO Box 5129  
Kingwood, TX 77325  
Fax # 281.359.2591

Tax ID No.: 76-0502896

**Bill To**SA Randle & Associates  
Sarnie Randle Jr  
Chase Bank Building  
5177 Richmond Ave, Ste 635  
Houston, TX 77056**Invoice**

| Date      | Invoice # |
|-----------|-----------|
| 11/2/2011 | 15134     |

**Type:****Claim #****Insured****Date of Loss****In Ref To: Ottis Hilliard v Tyson Foods**

| Terms          | Project |
|----------------|---------|
| Due on receipt | 1011102 |

| Service Date | Item   | Quantity |     | Rate   | Description                         | Amount   |
|--------------|--------|----------|-----|--------|-------------------------------------|----------|
| 10/28/2011   | Review | 3        | JWH | 225.00 | Review, Discuss, and prepare letter | 675.00T  |
| 10/31/2011   | Review | 3        | JWH | 225.00 | Review Depos                        | 675.00T  |
|              |        |          |     |        | Subtotal for Professional Services  | 1,350.00 |
|              |        |          |     | 8.25%  | Sales Tax                           | 111.38   |

*Thank you for choosing Bison Engineering.**We strive to provide premier service in everything we do, so if you have any questions regarding this invoice please feel free to call us at 281-359-2476.***Total** \$1,461.38**Payments/Credits** \$-782.19**Balance Due** \$679.19